

**STATE BOARD OF ELECTIONS
Special Board Conference Call
Friday, February 24, 2006**

MINUTES

PRESENT:

Jesse R. Smart, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Albert S. Porter, Member
Bryan A. Schneider, Member
Robert J. Walters, Member

ALSO PRESENT:

Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist

The special meeting of the State Board of Elections was called to order via telephonic means at 12:00 p.m. with seven members present. Mr. Schneider was delayed in joining the meeting and Chairman Smart held his proxy until his arrival at 12:02 p.m.

The Chairman indicated the first matter on the agenda was to recess State Board of Elections and reconvene as the State Officers Electoral Board for the sole purpose of approving the minutes of the January 27 and February 10 special meetings. Vice Chairman Rednour moved and Member Brady seconded the motion which passed unanimously. The meeting recessed at 12:01 p.m.

The Chairman presented the minutes from January 27 and February 10 meetings. Vice Chairman Rednour moved to approve the minutes as presented. Member Brady seconded the motion which passed by roll call vote of 8-0.

With there being no further discussion sitting as the State Officers Electoral Board, Member Keith moved to adjourn and reconvene as the State Board of Elections. Vice Chairman Rednour seconded the motion which passed unanimously. The State Officers Electoral Board meeting adjourned at 12:03 p.m. and reconvened as the State Board of Elections.

The Chairman presented the modification to Sequoia voting systems. Dianne Felts explained this was a minor modification to the Edge TSX particularly a change in the firmware to version 5.0.24. Ms. Felts indicated there was a problem with language accessibility and the write in votes in that the

keys were missing some of the graphics used in some languages that used characters, such as Chinese or Vietnamese. Ms. Felts verified the problem was fixed with the 5.0.24 version, the source code and ITA report had been received and asked for certification of the modification. Member Keith moved to approve the certification. Vice Chairman seconded the motion which passed by roll call vote of 8-0.

The Executive Director indicated although there was no other item of the agenda for Sequoia today it was brought to his attention that there would be a modification to the Sequoia HAAT and that another special Board meeting would need to be scheduled as this modification affects early voting. The Board then scheduled a special conference call for Monday, February 27, 2006 at 9:00 a.m. to address the matter.

The next item on the agenda was consideration of waiver of 2002 Voting Systems Standards for Diebold's AccuVote OS voting units for the March 21, 2006 General Primary Election. Bill Barrett was present on behalf of Fidler, Ian Piper was present on behalf of Diebold and Bob Saar, Executive Director of the DuPage Election Commission was also present. The Executive Director indicated this was a carryover from the February 21, 2006 regular meeting and explained the SBE was informed that the firmware and metal shield that was previously certified by the SBE would not be available for the primary election. The Board had asked Bill Barrett to confer with Diebold and explore any other options and agreed to discuss the matter today. The Executive Director indicated that he convened a conference call with the Department of Justice (DOJ) to seek any advice or recommendations concerning this matter. The DOJ indicated that the Board should explore all options with the election vendors and the local election authorities for obtaining the equipment and explained the States cannot wave compliance of federal law requirements and that other states were in similar situations. The Executive Director advised the Board that approving a waiver is not possible and that since there is little time before the primary election and, under the circumstances, everyone do the best they can to move forward in what they think is the best course of action.

Bill Barrett thanked the Board for their patience and courtesy and introduced Ian Piper. Mr. Piper stated the metal works parts were to be delivered on Monday and approximately 2000 firmware

chips will be programmed by the end of today. However, there is a risk that all machines may not be able to be programmed under the 2002 Standards in time for the primary election. Mr. Piper explained that the optical scan units in the field under the current platform are HAVA compliant and to demonstrate that they have contacted the ITA to request testing the current configuration against the error rate requirement and are waiting for confirmation as to when this can be done. Ms. Felts commented that since Illinois has already adopted the 2002 Standards, the optical scan units would qualify under HAVA but not the 2002 Standards. Mr. Piper indicated that he believes the current voting machines are HAVA compliant and that there just is not enough time to implement the upgrades in time for the primary election.

After discussion, Member McGuffage indicated that a good faith effort had been made toward compliance and suggested that if the ITA certifies that the equipment meets the error rate requirements of HAVA we should move forward and approve a plan. Member McGuffage moved to approve Diebold's plan to have ITA test the 1.96.4 firmware units for the accuracy requirement under the 2002 standards. Vice Chairman Rednour seconded the motion.

Discussion continued concerning the delivery dates of the parts. Mr. Piper indicated the expected delivery date was February 1, 2006 and then was extended until February 10 and when that date came and went, Diebold did not get a response from the vendor as to when the parts would be delivered. As a result, Diebold had dropped that vendor on the election side and was in the process of finding a different vendor. The General Counsel stated he didn't feel that a motion was necessary at this time. The Chairman requested that the record reflect the Board's appreciation of Diebold's efforts in keeping everyone informed and that Diebold will continue to put forth their best efforts. Member McGuffage then withdrew his motion and Vice Chairman Rednour withdrew her second to the motion.

In response to an inquiry from Member Brady, Mr. Piper explained he was not aware of the name of the OEM in question and would get the name by the end of business today. Mr. Piper also verified there was not a relationship between Diebold and the OEM in question.

After discussion, Bob Saar indicated he was satisfied with the solution, especially when he receives the letter from the ITA indicating the current 1.96.4 meets HAVA requirements for one in ten

million error rate. Mr. Saar indicated he would inform the Board when the letter is received. Chairman Smart and Ms. Felts indicated they were comfortable as well.

Mark Mossman presented a withdrawal of candidacy following certification received from Carl Boyd, a democratic candidate for the Cook County Circuit, Second Sub Circuit, Vacancy A. Mr. Mossman verified that the affected jurisdictions, Cook County and the Chicago Board of Election Commissioners had been contacted. The Chicago Board and Cook County indicated they had printed all of their ballots and programmed their voting machines with the names of the candidates and other relevant information and could not reprint ballots or reprogram the machines in time to reflect the withdrawal. They could reprogram the central tabulation software so that it would not tabulate the results or canvass results for this candidate seeking withdrawal. However, if Mr. Boyd would remain on the ballot and if he won, he could resign and decline the nomination. Member Schneider moved to not accept the withdrawal of candidacy. Member Keith seconded the motion which passed by roll call vote of 7-0-1 with Member McGuffage voting present.

The Chairman asked if there was any other business for discussion. The Executive Director reported that another issue regarding the delivery dates of the accessible voting equipment was brought up during the conference call with the DOJ. The DOJ expressed their concerns and wanted to make sure Illinois would be HAVA compliant and there is at least one accessible voting system per polling place. Mr. White indicated staff was in the process of following up with the jurisdictions and Mr. Barrett assured him that all equipment would be delivered in time for the primary election.

The Executive director reminded the Board of the conference call scheduled for 9:00 a.m. on Monday, February 27, 2006.

With there being no further discussion, Member Brady moved to adjourn until Monday, February 27, 2006 at 9:00 a.m. Vice Chairman Rednour seconded the motion which passed unanimously. The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Amy L. Calvin, Administrative Specialist II

Daniel W. White, Executive Director